

Remarks

Claim 1 has been amended to remedy the informality cited by the Examiner. The remaining independent claims of the application have been amended to further define the invention and distinguish the subject matter thereof from any of the references of record. Reconsideration of the rejection of Applicant's claims on the ground of obviousness respectfully is requested in view of the following remarks.

Applicant submits that the primary reference relied upon in the rejection of Applicant's claims clearly fails to disclose or teach the basic construction of Applicant's claimed invention, the secondary references cited fail to teach any modification of the basic structure either disclosed or taught in the primary reference to arrive at Applicant's claimed invention and further any modification of the structure of the primary reference purportedly taught by any secondary reference would result in a total reconstruction of the structure of the primary reference which is neither intended or desirable with respect to the objectives of the primary reference.

As understood, the Risch Patent discloses an assembly consisting of a dipper stick 30, a bucket 40 pivotally connected to the end of the dipper stick, a pair of support links 54a and 54b pivotally connected to the dipper stick, an actuating link 40 operatively interconnecting the support links and the bucket and a cylinder assembly 38 operatively interconnecting the dipper stick and the support links which may be extended and retracted to curl and uncurl the bucket in the conventional manner. The assembly further includes a clamping device provided with a pair of arms 50a and 50b which are pivotally connected to the end of the dipper stick coaxially with the pivotal connection with the bucket to the dipper stick, which is operable in an operative position to cooperate with the bucket for grappling objects therebetween, and an inoperative position disposed along the underside of the dipper. A pair of clamp links 16a and 16b further are provided, having one set of ends pivotally connected to a pair of plates 89a and 89b secured to support links 54a and 54b, and a second set of ends which are adapted to be detachably connected to clamp arms 50a and 50b by means of a connecting pin 57.

In the use of the assembly as described, when it is desired to operate the assembly in a grappling mode, the bucket is curled to the position as shown in Figure 3A, clamp arms 50a and 50b are allowed to swing down and engage the lip of the bucket and clamp links 16a and 16b are

connected to the clamp arms by means of connecting pin 57 to thus cause the clamp arms to pivot relative to the bucket upon the operation of cylinder assembly 38. When it is desired to operate the assembly in the excavating mode, with the assembly in the condition as shown in Figure 3A, connecting pin 57 is removed. With the clamp arms thus released from clamp links 16a and 16b, the cylinder assembly is operated to curl the bucket to the position as shown in Figure 3C and correspondingly position the clamp arms 50a and 50b along the sides of the dipper stick with openings in the ends of the clamp arms registering with an opening in a bracket depending from the underside of the dipper so that connecting pin 57 may be inserted therein to secure the clamping arms along the sides and underside of the dipper stick as shown in Figure 3C. The bucket would then be free to be uncurled and curled to perform excavating operations as indicated in Figure 3B.

In view of the aforementioned observations, it will be noted that the Risch structure does not provide an arm member connected to the underside of a dipper stick but an arm member connected to the end of a dipper stick coaxially with a bucket pivotally connected to the dipper stick, or means operatively interconnecting any dipper stick and an arm member for pivoting the arm member between operative and inoperative positions, as recited in Applicant's claims. In the Risch structure, the arm member is pivoted to an inoperable position by curling the bucket which engages and drives the arm member, and is permitted to pivot from the inoperative to the operative position under the force of gravity as the bucket is uncurled.

None of the secondary references disclosing latching means teaches the latching means recited in Applicant's claims in that although the latching means of such references may illustrate protruding members adapted to be inserted in recesses for retention purposes, with biasing means disposed between such protrusions, such biasing means do not function to extend any protruding members which are retractable upon engagement by either a dipper stick or an arm member as recited in Applicant's claims.

Assuming any of the secondary references disclosed a latching means as recited in Applicant's claims, it further is submitted that it would not be obvious to incorporate any such latching means in the structure shown in the Risch Patent because to do so would require the elimination of connecting pin 57 which is an integral and indispensable requirement of the Risch structure for connecting the arm members to the clamp links when the structure is in the

grappling mode and for retaining the clamping arms along side the dipper in the inoperative position.

In view of the foregoing, it respectfully is requested that rejection of Claims 1-16 be withdrawn, such claims be allowed and that the application be passed to issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter N. Lalos", with a long horizontal flourish extending to the right.

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